

## REMARKS

The Applicant has fully considered the September 15, 2004 Office Action in the above-mentioned pending patent application. This Amendment has been prepared to address the rejections outlined in that Office Action.

Claims 1, 4, 5, 14, 19 and 22 through 24 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pelet (French Patent No. 83262). The device disclosed in Pelet relies upon direct thrust, not the Bernoulli principle, to generate lift. This is best illustrated by the airflow shown in figures 3, 16, 19, 20 and 22. In order to provide a *prima facie* case of anticipation under 35 U.S.C. 102(b), all of the limitations of the present claim must be found in the prior art. Claims 1 and 19 have been amended to include the limitation that the second airflow creates a lift, the lift being comprised of the Bernoulli principle acting on the wing in this configuration. It is the Applicant's position that this added limitation is not disclosed in Pelet. Claims 4, 5 and 14 all depend, either directly or indirectly, from claim 1. As such, the additional limitation of lift added to claim 1 is also added to these claims. Likewise, claims 22 through 24 all depend, either directly or indirectly, from claim 19 and this same limitation of the secondary airflow creating a lift are added to those claims. As such, the Applicant respectfully requests that the rejection of claims 1, 4, 5, 14, 19 and 22 through 24 under 35 U.S.C. 102(b) as being anticipated by Pelet be withdrawn.

Claims 2, 3, 6, 7, 18, 20, 21, 28, 29 and 35 are rejected under 35 U.S.C. 103(a) as being obvious over Pelet in view of Rebasti (U.S. Patent No. 2,996,266). Independent claims 18 and 35 have been amended just as independent claims 1 and 19, mentioned above, to include the limitation of "the second airflow creates a lift, the lift comprising lift generated by a Bernoulli principle acting on the wing." The Applicant contends that Pelet relies on direct thrust, as

discussed above, and does not use Bernoulli's principle to generate lift. Likewise, Rebasti does not teach a second airflow acting on a wing in this configuration to generate lift. Claims 2, 3, 6 and 7 all depend, either directly or indirectly, from claim 1. Claims 20, 21, 28 and 29 all depend, either directly or indirectly, from claim 19. Therefore, the added limitation mentioned above is also incorporated into the interpretation of these claims. For the foregoing reason, the Applicant respectfully requests that the obviousness rejection of claims 2, 3, 6, 7, 18, 20, 21, 28, 29 and 35 be withdrawn.

Claims 8, 9, 10, 15, 16, 17, 25, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet. Claims 8, 9, 10, 15, 16 and 17 all depend directly from claim 1 and therefore include the limitation mentioned above which has been added by amendment to claim 1. Likewise, claims 25, 26 and 27 all depend directly from claim 19 and therefore contain the same limitation directed towards lift being generated by Bernoulli's principle acting upon the wing in this configuration. As discussed above, it is the Applicant's position that Pelet does not disclose this limitation. The Applicant therefore respectfully requests that the rejection of Claims 8, 9, 10, 15, 16, 17, 25, 26 and 27 under 35 U.S.C. 103(a) over Pelet be withdrawn.

Claim 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet in view of Vass (U.S. Patent No. 5,503,351). Claims 11, 12 and 13 all depend directly from claim 1 which was amended to include a limitation of lift being generated by Bernoulli's principle acting on the wing in this configuration. It is the Applicant's position that neither Pelet nor Voss disclose this limitation. As such, the Applicant respectfully requests that the rejection of claim 11, 12 and 13 under 35 U.S.C. 103(a) over Pelet in view of Vass be withdrawn.

Claim 30 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet in view of Sakamoto (U.S. Patent No. 4,941,628). Claim 30 depends directly from claim 19, which has

been amended to include a limitation directed towards lift being generated by Bernoulli's principle acting on the wing in this configuration. It is the Applicant's position that this limitation is not found in Pelet or Sakamoto. As such, the Applicant respectfully requests that the rejection of claim 30 under 35 U.S.C. 103(a) over Pelet in view of Sakamoto be withdrawn.

Claims 31, 32, 33 and 34 are all rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet and Sakamoto in view of Shuba (U.S. Patent No. 5,261,228). Claims 31, 32, 33 and 34 all depend, either directly or indirectly, from claim 19, which has been amended to include the limitation of lift being generated by Bernoulli's principle acting on the wing in this configuration. It is the Applicant's position that Pelet, Sakamoto and Shuba do not disclose this limitation. As such, the Applicant respectfully requests that the rejection of claims 31, 32, 33 and 34 under 35 U.S.C. 103(a) over Pelet and Sakamoto in view of Shuba be withdrawn.

The Applicant hereby requests a three-month extension to respond to the Examiner's September 15, 2004 Office Action. The Commissioner is authorized to charge the fee for the three-month extension for a small entity and any additional fees associated with this application to the Deposit Account No. 502448.

It is believed that the foregoing is fully responsive to the outstanding Office Action. If any other issues remain, a teleconference with the Examiner is respectfully requested. For all of the foregoing reasons, it is believed that the application is now in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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#### **CERTIFICATE OF MAILING**

I hereby certify that the attached AMENDMENT AND OFFICE ACTION RESPONSE is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to:

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On March 15, 2005.

  
Chad M. Hinrichs